

REMARKS

By this Amendment claim 55 has been amended to include the features of claims 39 and 40 (now canceled) and claims 41 and 49 have been revised. Entry is in order.

In the outstanding Office Action the examiner has rejected claims 39, 49 and 52-55 under 35 U.S.C. §103(a) as being unpatentable over Geiger, and he has rejected claims 40-48 under 35 U.S.C. §103(a) as being unpatentable over Geiger in view of Borges. The examiner has stated that claims 50 and 51 contain allowable subject matter.

The inventor asserts that the examiner's prior art rejections must be withdrawn.

Geiger discloses a screw cap 1 formed of an outer cap 2 and an inner cap 3, the outer cap 2 including inner threads 5, 6 for engagement with threads 9, 10 on the external surface of neck 7 of container 8 and a projection 23b which, when the outer cap 2 is unscrewed relative to the neck 9, will raise the inner cap 3. The inner cap 3 is made of deep-drawn sheet metal (col. 3, line 38) which provides an annular groove 14 at its periphery containing a soft-elastic sealing layer 12 that engages the face of the opening edge 13 of the neck 7.

The inner cap 3 is not formed of three layers as is defined in applicant's amended claim 55.

Borges et al. disclose a laminated lidding material which includes (1) as the bottom layer, a co-extruded layer of ethylene methyl acrylate

and low density polyethylene resin, (1) a primer layer, preferably of polyurethane, (3) a layer of polyester, nylon, polypropylene or metallic foil, (4) a layer of low density polyethylene resin, and (5) a top layer of metallic foil, preferably aluminum foil. Lids prepared from this material can be adhered to the tops of high density polyethylene and/or polypropylene cups, and have sufficient strength so that they do not tear on removal.

The examiner asserts that, based on the use of a low density polyethylene resin layer 4 above a layer 3 that can be a metallic film in Borges et al., it would be "obvious" to add such a thermoplastic layer on top of the sheet metal inner cap 3 of Geiger. This assertion is totally without merit. The low density polyethylene resin layer 4 in Borges et al. functions as a bonding agent for the layer 3 and the metallic foil 5 (see col. 3, lines 43-44). So it would not be obvious, based on Borges et al., to simply place a layer such as layer 4 therein on the sheet metal inner cap 3 of Geiger. It should be noted that the inner lid of applicant's claim 55 consists of three layers.

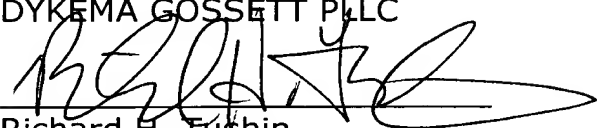
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The examiner's prior art rejections should be withdrawn and the application allowed.

Respectfully submitted,

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